

Exhibit T

Yatram Indergit, et al. v. Rite Aid Corporation, et al. 1:08-cv-09361-PGG-HBP
Gerard J. Bolduc **August 15, 2011**

Page 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DEPOSITION OF GERARD J. BOLDUC, taken pursuant to notice, at the Executive Office Center, 477 Congress Street, Portland, Maine, on August 15, 2011, commencing at 9:37 A.M., before Lisa S. Bishop, RPR, RMR, a Notary Public in and for the State of Maine.

Yatram Indergit, et al. v. Rite Aid Corporation, et al. 1:08-cv-09361-PGG-HBP
Gerard J. Bolduc August 15, 2011

Page 43

1 A Yes.

2 Q What kinds of different things?

3 A We have a specific catalog that we can order from
4 called George Marshall?

5 Q George Marshall?

6 A Yes, it is like beach goods, beach towels, lawn
7 chairs.

8 Q And you work directly with George Marshall?

9 A I call and place my orders with them.

10 Q Does Rite Aid have like a contract with them?

11 A Yes.

12 Q Do you think it's a good vendor, George Marshall?

13 A I think it can be.

14 Q Do you -- is it through the Rite Aid computer
15 system that you place that order or on the phone?

16 A It is not. It is over the phone.

17 Q And you get a separate truck from them, right?

18 A Correct.

19 Q It doesn't come on the Rite Aid truck, right?

20 A Correct, it comes via I think it's UPS or Fed Ex,
21 one of the two.

22 Q Does Mike review your order from George Marshall?

23 A He basically tells you what to order. He will
24 tell you to stick to certain categories and which items are
25 key items.

Yatram Indergit, et al. v. Rite Aid Corporation, et al. 1:08-cv-09361-PGG-HBP
Gerard J. Bolduc

August 15, 2011

Page 44

1 Q So is it like, hey, order six boxes of towels or,
2 you know, that kind of thing or is it more like order this,
3 this, this category?

4 A It is more like order six boxes of towels.

5 Q Is that kind of what you mean by micromanaging?

6 A Sort of. He will continuously be following up to
7 make sure you placed that order. He will continuously want
8 to know when that order arrives, when it hits the sales
9 floor.

10 Q So do you ever have any ideas about things that
11 you should order for your store from George Marshall?

12 A From George Marshall?

13 Q Yes.

14 A No.

15 Q Why not?

16 A I think George Marshall is too restricting and I
17 think some of the pricing is high. I think there would be
18 better vendors out there that could help us become more
19 profitable.

20 Q Have you suggested that?

21 A I have asked if we have looked into it, but we are
22 so large, it is usually left at that.

23 Q You asked Mike?

24 A Yes.

25 Q What did he say?

Yatram Indergit, et al. v. Rite Aid Corporation, et al. 1:08-cv-09361-PGG-HBP
Gerard J. Bolduc August 15, 2011

Page 45

1 A He said that this is the vendor that we have
2 chosen to go with.

3 Q Do you know whether George Marshall is just for
4 your district or for your region or for the company?

5 A I don't know. I know it's at least regional.

6 Q Do you know whether Mike micromanages other store
7 managers the same way he does you?

8 A Yes, he does. He sends out global e-mails. You
9 can see at the bottom who it is going to, so it goes out to
10 everyone.

11 Q And that includes like order X boxes of towels?

12 A Yes, he may do that one-on-one when he's actually
13 in your store because I may not -- I may not need six boxes
14 of towels where someone who is near the beach may need six
15 boxes of towels.

16 Q But either way, he tells you the number?

17 A He will, yes, yep, he will advise on how much.

18 Q You say advise?

19 A Advise.

20 Q Do you have any input into the number?

21 A Yes, we will negotiate, discuss, what's workable
22 in the past, what do I remember, what does he remember.

23 Q So it is sort of like a partnering?

24 A It's a communitive effort.

25 Q I'm sorry, commun --

Yatram Indergit, et al. v. Rite Aid Corporation, et al. 1:08-cv-09361-PGG-HBP
Gerard J. Bolduc August 15, 2011

Page 214

1 Q Do you have to give them access to telzone?
2 A No.
3 Q They can just get it?
4 A Yes.
5 Q Is it in the office?
6 A No.
7 Q It's where?
8 A It's in a cabinet in the photo department. And a
9 cabinet just means a door that opens.
10 Q Okay. Who has access to the office?
11 A People with a key, management only, shift
12 supervisors and up.
13 Q When I say ad order, do you know what I mean?
14 A Yes.
15 Q What's ad order?
16 A Ad ordering is ordering for your upcoming ad.
17 Q Who does that in your store?
18 A I do.
19 Q Anybody else?
20 A Ben can.
21 Q He can, but you usually do it?
22 A Yes.
23 Q Why?
24 A Because I do it while I'm on my conference call.
25 Q Multi-tasking?

Yatram Indergit, et al. v. Rite Aid Corporation, et al. 1:08-cv-09361-PGG-HBP
Gerard J. Bolduc August 15, 2011

Page 215

1 A Yes.

2 Q Are you good at multi-tasking?

3 A Okay.

4 Q Do you think multi-tasking is an important
5 managerial skill?

6 A Yes.

7 Q Why?

8 A Because we are constantly doing multiple things.
9 You are almost never able to concentrate on just one thing
10 because you never know when your next call is going to come
11 up for an approval or anything like that, so you have to
12 step away.

13 Q So even while you are doing a task, you are also
14 keeping your ear open for manager calls, that kind of
15 thing?

16 A Yes.

17 Q And trying to make sure that employees are doing
18 what they are supposed to and the store is running
19 properly?

20 A Yes.

21 Q And those are things that you never stop doing,
22 right?

23 A Correct.

24 Q Tell me about the process of ad ordering.

25 A What would you like to know? You log on the

Yatram Indergit, et al. v. Rite Aid Corporation, et al. 1:08-cv-09361-PGG-HBP
Gerard J. Bolduc

August 15, 2011

Page 216

1 portal, it shows you the picture of the flier, shows you
2 that page of the flier, and then it gives you the relevant
3 items to your sets. You select it. It will go -- it will
4 show you the category basically. You go into it and it
5 shows you the item listing and then you can -- you guess
6 basically on how many you believe you are going to sell.

7 Q And then that much comes in?

8 A No, it adjusts based off -- it is supposed to
9 anyway. There is no way for me to prove that it does or
10 doesn't. If you think you are going to sell four and it
11 says that you have two in the store, it will only send you
12 two more.

13 Q I see. So you put in the numbers that you think
14 you are going to sell. It goes back and checks how many
15 you have in stock?

16 A Yes.

17 Q And then it calculates the difference?

18 A And it in theory sends you that many.

19 Q In theory?

20 A It also gives you recommendations on how many it
21 thinks you should order. You can look back at the history
22 of the sale of that item as well.

23 Q Do you have to take its recommendations?

24 A No.

25 Q Do you?

Yatram Indergit, et al. v. Rite Aid Corporation, et al. 1:08-cv-09361-PGG-HBP
Gerard J. Bolduc

August 15, 2011

Page 217

1 A For many products, yes.

2 Q Have you ever had the experience of it

3 recommending something, you saying no, I don't want that

4 many, but its recommendation coming in anyway?

5 A No, but we have the opposite usually happen.

6 Q What's the opposite?

7 A You want more of it because you believe -- Extra,
8 for example, in my community, it's a low end kind of an
9 item, it's 1.99, it goes on sale sometimes. I can sell two
10 pallets of the stuff and you can order two pallets worth,
11 but you are not going to get two pallets.

12 Q Why not?

13 A I don't know. Maybe lack of distribution. I mean
14 I would only be guessing.

15 Q So you don't think it is somebody overriding your
16 order, it is just like warehouse stuff?

17 MS. REHMAN: Objection to form. You can answer.

18 A I would guess that.

19 Q Has Mike ever overridden your request?

20 A No, but Mike does send out a request every week if
21 you have not ordered enough.

22 Q Does he do that for you?

23 A No.

24 Q Why not?

25 A I'm aggressive with my ad ordering.

Yatram Indergit, et al. v. Rite Aid Corporation, et al. 1:08-cv-09361-PGG-HBP
Gerard J. Bolduc August 15, 2011

Page 218

1 Q But I thought you were risk adverse?

2 A I am, but it's an easy sell.

3 Q So you know what sells -- it's not a risk because
4 you know what sells?

5 A Yes and no. There is also -- he looks at a
6 particular number, he's looking at how many units you
7 order, and there are things that you can do to offset some
8 of your lower numbers.

9 Q Like what?

10 A I'm a firm believer that you should order one of
11 everything, no matter what the item is. Main reason is
12 because if you think you are going to sell one and you have
13 one already in your store, it's not going to send you any.
14 If you think you are going to sell zero and you have one in
15 your store, you are still going to sell zero. If you have
16 one in your store and you -- or if it thinks you have zero
17 in your store and you actually could have sold one, you
18 lost a sale, so I always put in one even if the computer
19 thinks I'm going to sell zero, which weights my number a
20 little bit, I'm sure.

21 Q And you think Mike agrees with you on that
22 philosophy?

23 MS. REHMAN: Objection to form. You can answer.

24 A I actually brought it up in a meeting. A couple
25 managers agree with it, but maybe I wasn't explaining it

Yatram Indergit, et al. v. Rite Aid Corporation, et al. 1:08-cv-09361-PGG-HBP
Gerard J. Bolduc August 15, 2011

Page 219

1 right. You should always have one, because if you don't
2 have one, you are going to lose the sale. So by putting
3 one in there, I'm hurting nothing and I'm gaining possibly
4 everything.

5 Q But some managers do it that way and others don't,
6 right?

7 A Correct, that's my belief anyways. I can't really
8 certify how others do it.

9 Q And you mentioned that Mike sometimes tells people
10 to order things, but he doesn't have to tell you that,
11 right?

12 A Generally speaking, no.

13 Q And just to be clear, you generally receive what
14 you order unless you receive less than what you order
15 because of what you anticipate to be a distribution issue,
16 is that fair?

17 MS. REHMAN: Objection to form. You can answer.

18 A That would be my assumption. I really couldn't
19 state to why I wouldn't get it, but yes.

20 Q And you don't find yourself getting stuff that you
21 didn't order; is that right?

22 A We still get some stuff we don't order as well.

23 Q From ads?

24 A Probably not so much from an ad, but just in
25 general.

Yatram Indergit, et al. v. Rite Aid Corporation, et al. 1:08-cv-09361-PGG-HBP
Gerard J. Bolduc August 15, 2011

Page 220

1 Q Why?

2 A Unknown.

3 Q Because of Mike or --

4 A No, we guess warehouse issues, maybe bad picking,
5 because it usually comes assorted with other product that
6 does belong. You get things that just don't belong in your
7 set sometimes because they don't have a home.

8 Q Because they don't have a home?

9 A Don't have a home.

10 Q How does that happen?

11 A Every item has a home. Basically, it's the
12 location of where it belongs. If you get something in a
13 tote, it may not belong in that particular set. You may
14 only have an 8-foot set, another store may have a 12-foot
15 set, so you got an item that belongs in a 12-foot set, not
16 in the 8-foot, and somehow, it got mispicked at the
17 warehouse.

18 Q Okay. So mistakes?

19 A Mistakes, yes.

20 Q But you haven't had the experience of having stuff
21 come in that you didn't order that wasn't a mistake?

22 A In large quantities, no, unless you consider
23 seasonal, which is allocated by the corporate office.

24 Q So you don't order seasonal?

25 A No.

Yatram Indergit, et al. v. Rite Aid Corporation, et al. 1:08-cv-09361-PGG-HBP
Gerard J. Bolduc August 15, 2011

Page 221

1 Q Seasonal just comes to you?

2 A Yes.

3 Q You mentioned that you do the ad ordering while
4 you are on your call. Does that happen every week?

5 A Call is every other week.

6 Q Who runs the call?

7 A Mike.

8 Q How often did Dave have calls?

9 A Never. It wasn't a system that was available at
10 that time.

11 Q What do you mean system?

12 A It's a number that you call into.

13 Q Conference call number?

14 A Yeah.

15 Q Okay.

16 A And that was not something that I knew of the
17 availability of at that time.

18 Q Did Dave hold meetings?

19 A He did.

20 Q How often?

21 A Dave's was monthly or bimonthly.

22 Q When you say bimonthly, do you mean every other
23 month or do you mean twice a month?

24 A I mean bimonthly as in every other month.

25 Q That word is just so confusing.

Yatram Indergit, et al. v. Rite Aid Corporation, et al. 1:08-cv-09361-PGG-HBP
Gerard J. Bolduc **August 15, 2011**

Page 222

Yatram Indergit, et al. v. Rite Aid Corporation, et al. 1:08-cv-09361-PGG-HBP
Gerard J. Bolduc August 15, 2011

Page 312

1 A Most of the complaints go through the phone, they
2 call 1-800 Rite Aid.

3 Q I see. And that comes in your SYSM, right?

4 A It comes on portal now, I believe. You get a
5 little message, little icon that says customer
6 communication. It lets you know to go and look.

7 Q Are they usually negative?

8 A Yes.

9 Q People don't bother to say nice things?

10 A Not usually. It's like a one to 10 ratio
11 probably.

12 Q Do you pay attention to all the customer
13 complaints you get?

14 A Yes.

15 Q And do you always follow-up?

16 A Try to the best I can.

17 Q So if it's a pharmacy issue, you will refer it to
18 the pharmacist, the pharmacist won't see it themselves?

19 A They can look at it, and hopefully, they will take
20 care of it.

21 Q But you will make sure that they do, right?

22 A I make sure it gets closed.

23 Q Okay.

24 A Which is just a matter of logging in. I will know
25 it's been dealt with.

Yatram Indergit, et al. v. Rite Aid Corporation, et al. 1:08-cv-09361-PGG-HBP
Gerard J. Bolduc August 15, 2011

Page 313

1 Q Mr. Bolduc, why did you join this lawsuit?

2 A Because I feel that I'm doing a lot of a job that
3 an associate could be doing.

4 Q Any other reasons?

5 A No.

6 Q How many hours a week do you work on average?

7 A Probably, right now, right around 50 hours. 50,

8 52 right now. I'm there a little early, I leave a little

9 late, short lunch.

10 Q What determines the number of hours that you work
11 in a given week?

12 A What's going on at the moment, priorities, can
13 this wait until tomorrow, does it need to be done now.

14 Q So you choose when to make it wait until tomorrow,
15 right?

16 A Sometimes.

17 Q Sometimes you don't choose because, for example,
18 if a recall came down, you would have to do it right then,
19 right?

20 A Yes.

21 Q So even if you had already worked that many hours,
22 you would still stay to do the recall, right?

23 A Still stay to do the recall.

24 Q Because that's a legal issue, right?

25 A Yes.

Yatram Indergit, et al. v. Rite Aid Corporation, et al. 1:08-cv-09361-PGG-HBP
Gerard J. Bolduc August 15, 2011

Page 314

1 Q And have you ever worked more than 50 hours on
2 average per week?

3 A Yes.

4 Q When?

5 A When I first took over at 4149, it was probably
6 close to 55 to 60 hours.

7 Q Because you had to?

8 A It was short on management. It was a cleanup job,
9 I guess, a little bit. There was a can out back. What I
10 mean by a can is it's a trailer container. It was utilized
11 as a stockroom basically. And the previous manager was
12 just filling it from the back to the front slowly, so what
13 was in the back was unknown.

14 Q So you had to go and dig through that?

15 A I took over that store, I think it was in January,
16 and I threw away Halloween candy.

17 Q Would you consider that mismanagement?

18 A Yes.

19 Q This was the thief, right?

20 A Yes.

21 Q So one of the things that can determine the number
22 of hours that you work per week is if you are having to
23 clean up somebody else's mess, right?

24 A If you are cleaning up. Your management schedule
25 can affect that, I mean --

Yatram Indergit, et al. v. Rite Aid Corporation, et al. 1:08-cv-09361-PGG-HBP
Gerard J. Bolduc August 15, 2011

Page 315

1 Q If you don't have enough qualified keys, for
2 example?

3 A Correct.

4 Q Seasonal also, times of year?

5 A Could, yes, holidays.

6 Q So when you say you feel you are doing a lot of
7 jobs that an associate could be doing, you believe that's a
8 violation of the law?

9 MS. REHMAN: Objection to form. You can answer.

10 A No, but it's affecting my salaried position. It
11 is making me less like a manager and more like an
12 associate.

13 Q How?

14 A If I'm spending -- I will use two tasks alone. I
15 spend 10 hours a week on my truck and I spend 10 hours a
16 week putting up sale signs. That's 20 hours of my 50-hour
17 work week. Both tasks could be completed by an associate
18 if there was an available budget for it basically.

19 Q You said that the reason that you do truck was
20 because you know how to do it quickly, right?

21 MS. REHMAN: Objection to form. You can answer.

22 A I can do it quickly.

23 Q So if you had an associate, wouldn't you still
24 also do it, be there for the truck?

25 A But I wouldn't be doing an aisle. I might be

Yatram Indergit, et al. v. Rite Aid Corporation, et al. 1:08-cv-09361-PGG-HBP
Gerard J. Bolduc

August 15, 2011

Page 363

1 DEPONENT SIGNATURE PAGE

2

3 CAPTION: Indergit vs. Rite Aid Corporation

4 DEPONENT: Gerard J. Bolduc

5

6 I _____, acknowledge that I have read
7 pages ____ through ____ inclusive of the transcript of my
8 deposition taken on August 15, 2011.

9

10 I further acknowledge that:

11 (check appropriate language)

12 _____ the same is a true, correct, and complete
13 transcription of the answers given by me to the questions
14 recorded therein. OR

15 _____ except for the changes noted on the attached errata
16 sheet, the same is a true, correct, and complete
17 transcription of the answers given by me to the questions
18 recorded therein.

19

20 _____

21 Deponent

22 Subscribed and sworn to before me

23 this ____ day of _____, 2011.

24

25 Notary Public _____